

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3633 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and  
MR.JUSTICE J.M.PANCHAL

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GUJARAT PERFECT ENGG. LTD

Versus

UNION OF INDIA

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Appearance:

MR JD SHAH for Petitioner

MR JAYANT PATEL for Respondent No. 1

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CORAM : MR.JUSTICE K.G.BALAKRISHNAN and  
MR.JUSTICE J.M.PANCHAL

Date of decision: 06/05/98

ORAL JUDGEMENT : (Per : Balakrishnan,J.)

Rule. Mr. Jayant Patel, learned Standing  
Counsel waives service thereof on behalf of the  
respondents.

The petitioner has filed an appeal before the 2nd  
respondent against the order passed by the 3rd  
respondent. The petitioner has also moved an application  
for stay of the impugned order. The stay application is  
not finally disposed of. The petitioner contends that  
during the pendency of these proceedings, the authorities  
are taking coercive steps to realise the amount due.

We heard the learned Counsel for the petitioner  
and the learned Standing Counsel for the respondents.

A reference was made to the order passed by this  
Court in SCAs no.21/97 & 22/97 and also to a decision in

DCW Ltd. vs. Commissioner (Appeals) & Ors. reported in 1997(2) GLR 913. In the above decision, this Court directed the respondent-authority to dispose of the stay application within a prescribed time.

Having regard to the facts and circumstances of the case, we direct respondent no.2 to consider the stay application and pass appropriate orders preferably within one month from the date of receipt of copy of this order. Till the stay application is finally disposed of, the authorities shall not take any further coercive step to realise the amount payable under the impugned order. The application is disposed of accordingly. Rule is discharged subject to above directions. No order as to costs.

D.S. Permitted.

( K.G.Balakrishnan, J.)

May 6, 1998 ( J.M.Panchal, J.)

patel